

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

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ERRATA:

**The following two leaves are
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRORS.

ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

ERROR IN THE COMMISSIONER'S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

ERRORS IN THE MARGINAL REFERENCES.

- Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”
- “ 66, § 24.—Erase “*Resolve of 1837, c. 52.*”
- “ 69, § 44.—Supply “*Resolve of 1840, c. 107.*”
- “ 72, § 68.—Erase “*See c. 6, §§ 40-67.*”
- “ “ § 70.—Erase “*R. S.*, c. 2, § 66.”
- “ 79, § 12, (note b).—“*See c. 18, § 73*” should read “*See c. 18, § 75.*”
“*See c. 30, § 15*” should read “*See c. 30, § 16.*”
- “ “ § 14.—Supply “*See c. 18, § 75.*”
- “ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”
- “ 84, § 46.—“*See c. 18, § 67*” should read “*See c. 18, § 59.*”
- “ 86, § 59, ¶ i, (note b).—“*See c. 17, §§ 25-29*” should read “*See c. 17, §§ 27, 28.*”
- “ “ “ ¶ vi, (note e).—“*See c. 18, § 15*” should read “*See c. 18, § 17.*”
- “ 92, note.—“*c. 18, §§ 39, 103*” should read “*c. 18, §§ 39, 97.*”
- “ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”
- “ 108, § 86.—“*Art. ii, § 2*” should read “*Art. ii, § 1, ¶ 2.*”
- “ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”
- “ 176, § 27.—“*Resolve of 1883, c. 20*” should read “*Resolve of 1883, c. 86.*”
- “ 183, § 5.—“*See § 93, ¶ 6*” should read “*See § 93, ¶ v.*”
- “ 202, § 102.—“1883, c. 229” should read “*See c. 115, § 1.*”
- “ 209, § 1.—Supply “1880, c. 215.”
- “ 210, § 7.—Supply “1880, c. 215.”
- “ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”
- “ 270, § 16.—Supply “1880, c. 215.”
- “ 330, § 26.—“*See c. 40, § 77*” should read “*See c. 40, § 74.*”
- “ “ § 28.—“*See c. 40, § 38*” should read “*See c. 40, §§ 33, 40.*”
- “ 374, § 23.—“*See § 17*” should read “1880, c. 234, § 1.”
- “ 384, § 74.—Add “1883, c. 138, § 3.”
“1883, c. 144, § 4.”
- “ 506, § 1.—Supply “*See 1880, c. 215.*”
- “ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”
- “ 709, § 105.—“*See c. 134, § 13*” should read “*See c. 134, § 19.*”
- “ 773, § 42.—Supply “1883, c. 198, § 2.”
- “ 804, § 35.—“*See c. 134, § 26*” should read “*c. 134, § 26.*”
- “ 861, § 1.—“*R. S.*, c. 2, § 20.” } should read “1883, c. 221.”
“*R. S.*, c. 115, § 1.” }
- “ 862, § 4.—“*See c. 63, §§ 32 to 39*” should read “*See c. 63, § 35.*”

ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."
 " " § 9.—Erase "60 *Me.*, 533."
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."
 " 728, § 12.—Erase "68 *Me.*, 30."
 " 750, § 5.—Erase "20 *Me.*, 325."
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."
 " 885, § 1.—Erase "62 *Me.*, 285."
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

CHAP. 118.
of minors
into the army
of U. S.
R. S., c. 118,
§ 22.

the army of the United States, a minor, knowing him to be such, without the written consent of his parent, master, or guardian, and he is removed out of the state within six months after his enlistment; or persuades him to leave the state with intent thus to enlist him, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars.

Extortion or
compulsion,
by threats.
R. S., c. 118,
§ 23.
24 Me., 72.
68 Me., 474.

SEC. 23. Whoever, verbally, or by written or printed communication, maliciously threatens to accuse another of a crime or offence, or to injure his person or property, with intent thereby to extort money or procure any advantage from him, or to compel him to do any act against his will, shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars.

Assault on a
female, with
intent to
commit rape.
R. S., c. 118,
§ 24.

SEC. 24. Whoever assaults a female of ten years of age or more, with intent to commit a rape, shall be punished by imprisonment not exceeding ten years, or by fine not exceeding five hundred dollars. If such assault is made on a female under ten years, such imprisonment shall not be for less than one year nor more than twenty years.

Assault with
intent to mur-
der, maim,
rob, &c.
R. S., c. 118,
§ 25.
37 Me., 469.
39 Me., 66.

SEC. 25. Whoever assaults another with intent to murder, kill, maim, rob, steal, or to commit arson or burglary, if armed with a dangerous weapon, shall be punished by imprisonment for not less than one, nor more than twenty years; when not so armed, by imprisonment for not more than ten years, or by fine not exceeding one thousand dollars.

To commit
other felony.
R. S., c. 118,
§ 26.
1872, c. 82.

SEC. 26. Whoever commits an assault not before described, with intent to commit a felony, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars. (a)

Attempt to
murder, with-
out assault.
R. S., c. 118,
§ 27.

SEC. 27. Whoever, without an assault, unlawfully attempts by any means or in any form to murder or kill a human being, shall be punished by imprisonment for not less than one, nor more than twenty years.

Assault, and
assault and
battery.
R. S., c. 118,
§ 28.
1872, c. 82.
59 Me., 575.
69 Me., 182.
73 Me., 281.

SEC. 28. Whoever unlawfully attempts to strike, hit, touch, or do any violence to another however small, in a wanton, wilful, angry, or insulting manner, having an intention and existing ability to do some violence to such person, is guilty of an assault; and if such attempt is carried into effect, he is guilty of an assault and battery, and for either offence, he shall be punished by imprisonment not exceeding five years, or by fine not exceeding one thousand dollars, when no other punishment is prescribed.

CHAPTER 119.

OFFENCES AGAINST HABITATIONS AND OTHER BUILDINGS.

- SEC. 1. Arson of a dwelling-house, in the night or in the day. Punishment.
2. Arson of a dwelling, owned wholly or partly by himself. Punishment.
3. Burning of public and private buildings, in the night and in the day.
4. Burning of other buildings, vessels, locks, dams, and flumes.

(a) 69 Me., 182.

- SEC. 5. Burning of produce, trees, and other property. Punishment.
 6. Wife is liable, although the property burned is her husband's.
 7. Burglary, defined and punished; burglars' tools, how dealt with.
 8. Breaking and entering a dwelling-house by day; entering by night, and breaking and entering other buildings, cars or vessels. Punishment.
 9. Dwelling-house, defined.

SEC. 1. Whoever wilfully and maliciously sets fire to the dwelling-house of another, or to any building adjoining thereto, or to any building owned by himself or another, with intent to burn such dwelling-house, and it is thereby burned, in the night time, shall be punished by imprisonment at hard labor for life. If he proves, and the jury find, that there was no person lawfully in such dwelling-house at the time, or if the offence was committed in the day time, he shall be punished by imprisonment for life, or for any term of years.

Arson of a dwelling-house.
 1883, c. 247, § 1.
 55 Me., 367.
 62 Me., 285.
 63 Me., 135.
 66 Me., 307.
 71 Me., 355.

SEC. 2. Whoever wilfully and maliciously sets fire to a dwelling-house owned wholly or partly by himself, or to any other building owned by himself or another, with intent to burn such dwelling-house, another person being lawfully therein, and it is thereby burned, shall be punished by imprisonment for life.

Arson of a dwelling-house, owned by himself.
 R.S., c. 119, § 2.

SEC. 3. Whoever wilfully and maliciously sets fire to any meeting-house, court house, jail, town house, college, academy, or other building erected for public use, or to any store, shop, office, barn, or stable of another within the curtilage of a dwelling-house, so that such dwelling-house is thereby endangered, and such public or other building is thereby burned in the night time, shall be punished by imprisonment for life, or for any term of years; but if such offence was committed in the day time, or without the curtilage of, and without endangering a dwelling-house, by imprisonment for not less than one, nor more than ten years.

Burning of public and private buildings.
 R.S., c. 119, § 3.
 12 Me., 215.
 45 Me., 329.
 58 Me., 243.

SEC. 4. Whoever wilfully and maliciously burns any building of another not mentioned in the preceding section, or any vessel, bridge, lock, dam, or flume, of another, shall be punished by imprisonment for not less than one, nor more than ten years.

Burning of other buildings, vessels, bridges, &c.
 R.S., c. 119, § 4.
 45 Me., 329.

SEC. 5. Whoever wilfully and maliciously burns any corn, grain, hay, vegetables, or other produce, or any soil, trees, underwood, or other property of another, shall be punished by imprisonment for not less than one, nor more than three years.

Burning of produce, trees, &c.
 R.S., c. 119, § 5.

SEC. 6. The preceding sections are applicable to a married woman, committing either of such offences without the consent of her husband, although the property set on fire and burned belonged wholly or in part to him.

Wife is liable, although property burned is her husband's.
 R.S., c. 119, § 6.

SEC. 7. Whoever breaks and enters in the night time, with intent to commit a felony, or, having entered with such intent, breaks, in the night time, a dwelling-house, any person being then lawfully therein, is guilty of burglary; and whether he is, before or after entering, armed with a dangerous weapon, or whether he assaults any person lawfully therein, or has any confederate present aiding or abetting, or not, in either case, he shall be punished by imprisonment for life, or for any term of years; and all burglars' tools or implements prepared or designed for committing

Burglary, defined and punished.
 R.S., c. 119, § 7.

1872, c. 12.
 —burglars' tools, how dealt with.

CHAP. 119. burglary, shall be dealt with as provided in section twelve of chapter R.S., c. 119, § 7. one hundred and twenty-five.

Breaking and entering a dwelling or other building, vessel or railroad car, with intent to commit a felony. 1877, c. 152, § 1. —punishment.

SEC. 8. Whoever, with intent to commit a felony, breaks and enters in the day time, or enters without breaking in the night time, any dwelling-house, or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not less than one nor more than ten years, but if no person was lawfully therein and put in fear, by imprisonment for not more than five years, or by fine not exceeding five hundred dollars. (a)

Dwelling-house, defined. R.S., c. 119, § 9.

SEC. 9. Any permanent building or edifice, usually occupied by any person by lodging therein at night, is a dwelling-house, although such occupant is absent for a time, leaving furniture or goods therein, with an intention to return; but no building shall be deemed a dwelling-house or part of it, unless connected with, or occupied as part of the dwelling-house.

CHAPTER 120.

LARCENY, AND RECEIVING STOLEN GOODS.

- SEC. 1. Larceny, defined and punished.
2. Larceny in a dwelling-house, or breaking and entering any other building, railroad car or vessel, by night or by day. Punishment.
 3. Larceny in a building on fire, or of property removed on account of fire.
 4. Larceny from the person of another. Punishment.
 5. Common thief, described and punished.
 6. Larceny, by falsely personating another, described and punished.
 7. Larceny, by embezzlement, or fraudulent conversion. Punishment.
 8. In prosecutions of cashier or other officer for embezzlement, what is a sufficient allegation in the indictment. What evidence is admissible, and what is sufficient.
 9. Embezzlement of property, intrusted to be carried, is larceny. Embezzlement, by insurance or other agent is larceny.
 10. Public officers are forbidden to have pecuniary interest in any public contract. Such contracts are void. Punishment.
 11. Knowingly buying, receiving, or aiding to conceal stolen property.
 12. Officers shall secure stolen property, and restore it to the owner, on conviction of the thief.
 13. Court may make compensation to prosecutor and officer.
 14. Action for stolen property, without conviction of the thief.

Larceny, defined and punished. R.S., c. 120, § 1. 17 Me., 195. 19 Me., 228, 400. 21 Me., 18. 62 Me., 285. 66 Me., 441. 72 Me., 468.

SEC. 1. Whoever steals, takes, and carries away, of the property of another, money, goods, or chattels, or any writ, process, public record, bond, bank bill or note, promissory note, bill of exchange, order, certificate, book of accounts, conveyance of real estate, valuable contract, receipt, release, defeasance, or instrument in writing whereby any demand, right, or obligation, is created, increased, diminished, or extinguished, is guilty of larceny; and shall be punished, when the value of the property exceeds one hundred dollars, by imprisonment for not less

(a) 25 Me., 502; 32 Me., 584; 36 Me., 225.